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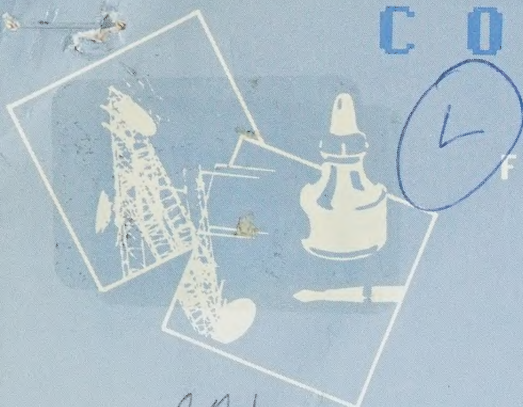
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FACT SHEET

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D'INFORMATION

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COMMUNICATIONS

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New funding for broadcasting

A total of \$250 million* will be provided over the next four years to help meet the Government's goals of:

- helping the CBC meet its objective of 95 per cent Canadian content;
- more and better Canadian programming, particularly drama;
- improving French-language and English-language programming by both public and private broadcasters;
- providing better distribution of broadcasting service to small and remote communities;
- developing a new distribution-by-satellite service for native broadcasters in the North;
- starting and operating a new, national reading service for the visually-impaired.

In addition to the \$250 million, the Government will also help fund the start-up and operation of an Alternative Programming Service once the consultations with interested parties have taken place.

The Government's recently-announced increase of \$200 million over five years to bolster the Canadian film industry will also contribute to the Broadcasting Policy aim of more and better Canadian programming.

Private broadcasters will be given encouragement to invest in production of Canadian programs. The new broadcasting legislation will give the CRTC the power to establish an incentive system to encourage broadcasters to exceed their basic Canadian content requirements. In accordance with differing economic situations, broadcasters deciding not to meet objectives in Canadian programming in the target area of drama would see a portion of their revised licence fees redirected for use by other broadcasters who do exceed their targets.

*Figures expressed in current dollars, with increases for inflation as approved by Cabinet.

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Communications
Canada

Canada

The Canadian Broadcasting Corporation

- ° The CBC budget (\$1.219 billion in 1988-1989**) will be permanently increased by \$35 million a year (in constant 1989-1990 dollars). The special increase will be above and beyond any annual increase for inflation (five per cent in 1988-1989), and is in addition to the \$65 million recently approved for the new broadcasting centre in Toronto.
- ° \$20 million of the \$35 million is intended to help meet the CBC's goal of 95 per cent Canadian content on prime-time English television.
- ° \$15 million of the \$35 million is intended to help Radio-Canada increase the production budgets for French-language programs.
- ° The CBC will benefit from increased funding through Telefilm Canada. In 1987-1988, the CBC drew on approximately \$39 million from Telefilm for program production.

Telefilm Canada

- ° Telefilm Canada's budget (\$109 million in 1988-1989**) will be increased by about \$18 million a year, in addition to its portion of the new film development funds announced by the Government on May 5, 1988.
- ° The new broadcasting money, totalling \$75.9 million in the four years ending 1992-1993, will be applied to the Canadian Broadcast Program Development Fund (\$63 million in 1988-1989) for French-language and English-language television production.
- ° The additional funding will be split 50-50 between French and English, rather than the existing split of one-third French and two-thirds English.
- ° When the Alternative Programming Service starts, with new Government funding, the new Telefilm funds will all be directed to French-language programming.

** Source: Part III, Main Estimates, 1988-89.

- ° The Government is also proposing that Telefilm Canada change its funding rules so it can give greater support to French-language programming; first-year production of higher-cost series; regional productions; culturally significant productions and performing arts programming.
 - Higher levels of equity participation will be allowed, as high as 40 per cent to 49 per cent when required.
 - Additional financing, to raise the total assistance to a maximum of 70 per cent for higher-risk productions which meet specific policy objectives, will be allowed.

TV5

- ° The Broadcasting Policy commits more than \$2 million a year to TV5 from 1990-1991 on, when the current federal-provincial support agreement ends. The federal government is the major funding partner in the agreement, and has taken the lead in making sure that TV5 will be available to cable systems and satellite dish owners across Canada.

Better service for isolated communities

- ° \$21.1 million over the next four years will help bring television and radio services to isolated communities. Communications Canada will administer the funds on a cost-shared basis for construction and installation of cable and other distribution systems. An estimated 250,000 Canadians will benefit.

Satellite distribution for Northern Aboriginal programming

- ° Communications Canada will provide \$10 million to underwrite the cost of a satellite distribution system to improve access for aboriginal programming produced under the Northern Native Broadcast Access Program (NNBAP) and other programming produced specifically for Northern audiences, including some CBC Northern Service and territorial government programming.

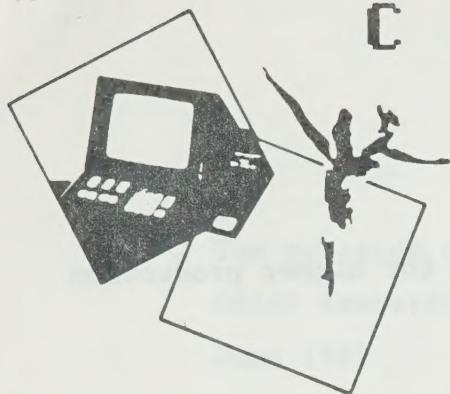
National Broadcast Reading Service for the Visually Impaired

- ° A start-up grant of \$120,000 this year and a \$100,000-a-year operating grant every year for five years, starting this year, will be provided for a satellite-to-cable, cross-Canada National Broadcast Reading Service for the Visually Impaired.

Restructuring the CRTC

- ° \$5.8 million will be provided to help the CRTC become more responsive to regional concerns and to fund the cost of new full-time Commissioners.

COMMUNICATIONS



The CBC

A. Programming

The CBC will continue to play a unique and vital role both as the central instrument of the Government's cultural policy and in the development of the Canadian broadcasting system well into the 21st Century.

The mandate of the CBC is focussed on providing more and better Canadian programming, particularly drama in French and English.

The 1988 Broadcasting Bill says CBC programming will be "predominantly and distinctively" Canadian; that it will reflect Canada and its regions to national and regional audiences; and that it will reflect the different needs and circumstances of each official-language community, including those of English and French linguistic minorities.

The CBC's targets of 95 per cent Canadian content on prime-time television in English and improving the quality of its French-language programming are fully supported by the Government. So is the CBC plan to show more regional programs on the national network.

Extra funds will be provided to help the CBC achieve its leadership role in providing authentically Canadian choices.

° The Government will commit an additional \$130.2 million* to the CBC over the four fiscal years ending in 1993;

° \$74.4 million of the extra funding will be for English-language programming;

* Figures are expressed in current dollars, with increases for inflation as approved by Cabinet.

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Communications
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- ° \$55.8 million will be for Radio-Canada, to provide for higher production budgets for drama.

B. Operations and Administration

The CBC has grown since 1932 from a radio service to French- and English-language television networks; French- and English-language AM and FM radio networks; Radio-Canada International, an international, short-wave service; a Northern Service; and a Parliamentary Channel.

It has more than 10,000 employees; in 1987-1988, the CBC spent \$1.181 billion, of which \$887 million was the Parliamentary appropriation, with the rest earned mostly from the sale of television commercials.

The 1988 Broadcasting Bill will strengthen accountability for the CBC and at the same time guarantee its independence in programming and operations.

All the accountability measures in the 1988 Broadcasting Bill have been recommended by the House of Commons Standing Committee on Communications and Culture and accepted by the Government. The recommendations are now being implemented.

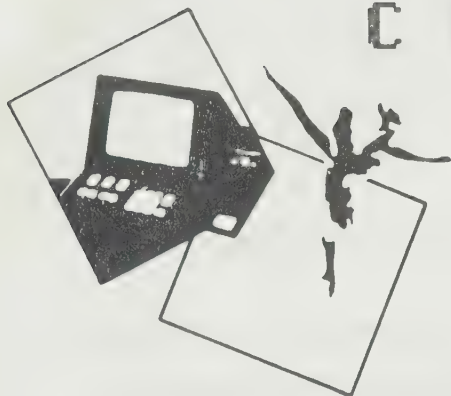
- ° For the first time, the arm's-length principle with respect to the journalistic, creative and programming independence of the CBC will be explicitly protected by law. The 1988 Broadcasting Bill states:

The Corporation shall, in the pursuit of its objects and in the exercise of its powers, enjoy freedom of expression and journalistic, creative and programming independence.

- ° The CBC's Corporate Plan Summary, covering a five-year period and including a financial planning framework that incorporates a forecast of the CBC's appropriation and other revenue, will be tabled in the House of Commons each year by the Government. This will enhance the CBC's ability to do longer-term planning.

- ° The position of president will be split into Chairman of the Board and Chief Executive Officer when the present incumbent's term expires in June 1989.
- ° The Chief Executive Officer will be appointed, subject to the approval by the Governor in Council, to a five-year term by the CBC Board and be responsible to the Board for all operations.
- ° The Chairman of the Board will be an Order-in-Council appointment of five years, subject to good behavior.
- ° Two new committees of the Board will be formed: one on French-language broadcasting, and one on English-language broadcasting.
- ° The CBC will be subject to financial controls similar to those of the Financial Administration Act, but without the Act's strategic direction and control mechanisms.
- ° The CBC's audit procedures will parallel the Financial Administration Act requirements, particularly with respect to the Auditor General.
- ° The power of the CBC Board to approve property purchases and leases without Order-in-Council will be substantially increased.

C O M M U N I C A T I O N S



Private Broadcasters

Private broadcasters will be given an incentive to provide Canadian audiences with distinctly Canadian programming.

The 1988 Broadcasting Bill will give the Canadian Radio-television and Telecommunications Commission (CRTC) more flexible and responsive powers that will allow the CRTC and private broadcasters to work more closely together in increasing the amount of Canadian programming.

These powers will include the basis for a performance incentive for private broadcasters. The performance incentive is a new, strong encouragement to transmit Canadian programming, combined with more latitude for the individual broadcaster.

Strengthening the CRTC's traditional role

- ° The 1988 Broadcasting Bill will clearly spell out the CRTC's authority to issue orders binding on licence-holders. The CRTC will be able to seek larger fines and issue cease-and-desist orders.
- ° The CRTC will have recourse to court orders, by which a decision or an order of the CRTC can be enforced as a court order if it is filed with the Federal Court of Canada or a superior provincial court.
- ° The CRTC will be given mediation and arbitration powers with respect to rates for carriage of signals, such as pay-TV, on distribution services such as cable.
- ° The CRTC will be given the power to audit licence-holders under some circumstances.



The Performance Incentive

- ° The CRTC will be given the power to assess part of broadcasters' licence fees based on their revenues, and linked to performance in terms of providing specific kinds of Canadian programming.
- ° The CRTC will be responsible for the detailed working of the performance incentive, which can be used to set programming targets above and beyond the Canadian-content regulations.
- ° The CRTC will be asked to hold hearings on applying the performance incentives and to make recommendations on the best use of these incentives.
- ° The following two pages show one way the performance incentive could work.

Illustration: How the performance incentive could work

First, at the beginning of each year, an assessment is made. The assessment could take the form of a fee calculated as a percentage of gross revenues. The calculation would be based on a progressive formula, so that the assessment for smaller licensees would be small, perhaps nil. No payment would be required at the beginning of the year.

Second, a target is established. Typically, this would be set in terms of number of hours of a specific kind of programming (e.g., 5 hours per week of prime-time drama for English-language broadcasters). This would be in addition to the basic Canadian-content requirements.

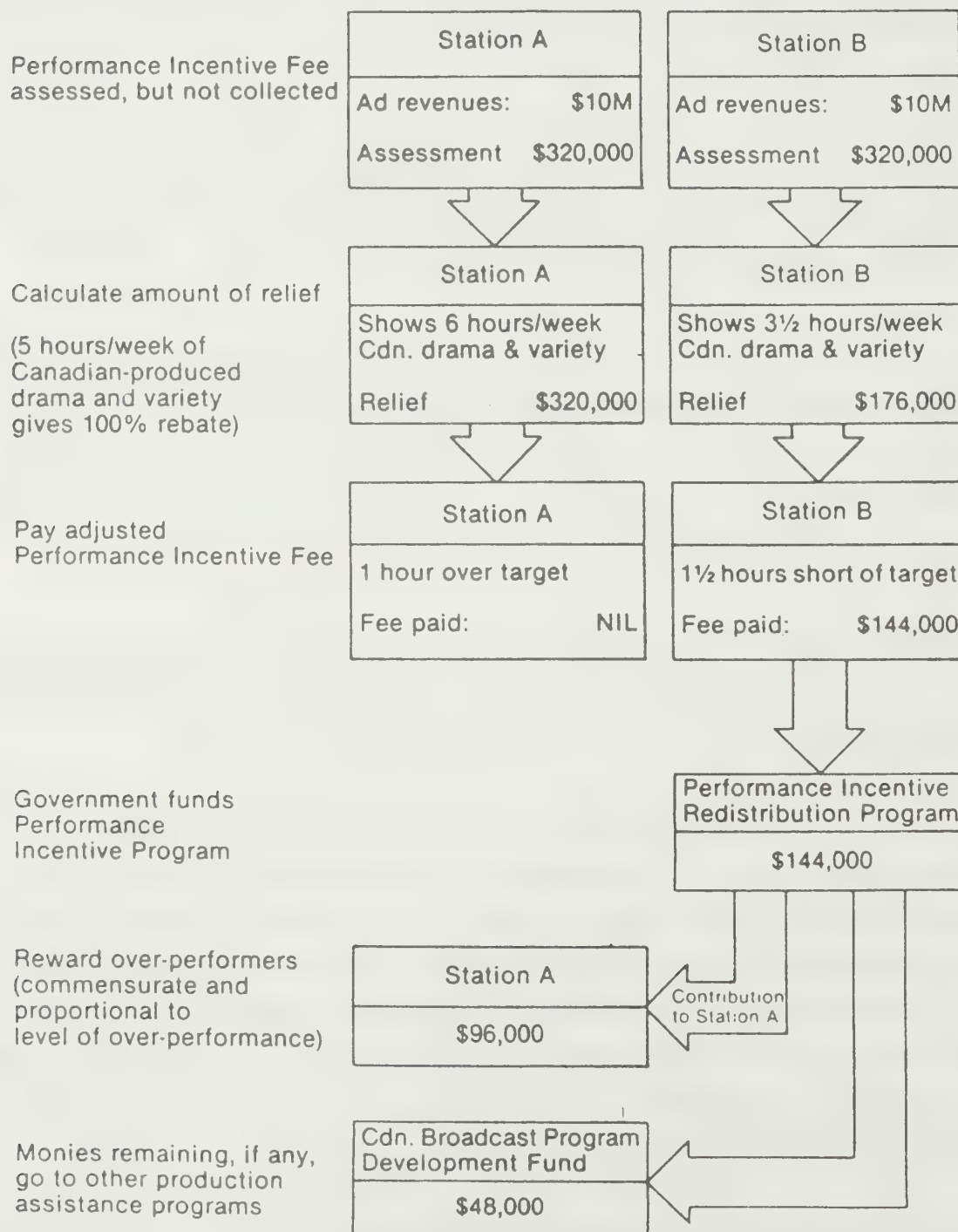
Third, during the year each broadcaster's performance would be measured against the target. This performance would offset the assessment according to a simple formula. Meeting the target would offset 100% of the assessment. At the end of the period, the net assessment, if any, would have to be paid by the broadcaster to the Government.

Any funds collected would be deposited in the Consolidated Revenue Fund. However, each year the Government would take steps to ensure that there would be offsetting benefits to the broadcasting system.

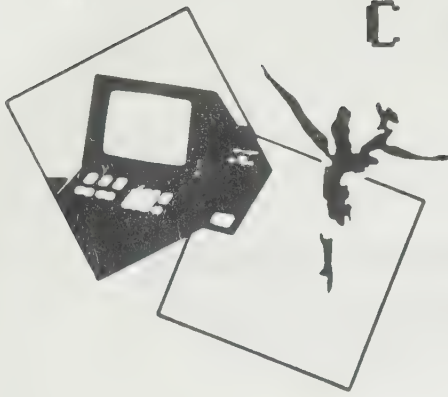
While retaining the right to review this budgetary allocation, as it does all planned expenditures, the Government could either approve funding to reward broadcasters who exceeded their targets, or increase Telefilm's budget for the Canadian Broadcast Program Development Fund for the following fiscal year, to finance more independent production for private broadcasters. It would also be possible for a combination of these two approaches to be adopted. (This staged approach is described in the accompanying chart, which assumes a target of 5 hours per week of Canadian drama and variety in prime time).

In examining this concept, the CRTC will be asked to advise on how these funds can be directed most effectively in order to support additional Canadian programming.

CHART 1 PERFORMANCE INCENTIVE PROGRAM: ONE MODEL



COMMUNICATIONS



The CRTC

The Canadian Radio-television and Telecommunications Commission (CRTC) regulates broadcasting in Canada.

There are more players in the broadcasting system than there were when the CRTC was established in 1968. There is more choice available to Canadians. Technologies used routinely today were not dreamed of in 1968.

Canadian society has changed since 1968. Canada has become a bilingual, multicultural nation, with a greater awareness of regional concerns and the desire of both men and women to take a full role in all aspects of Canadian life.

The CRTC needs greater regional representation. It should also take into account the distinctions between the English-language markets and the French-language markets in its regulation and supervision.

Legal Powers

The interplay between the CRTC as regulator, and the Government as ultimate policy-maker, needs clarification.

The CRTC will have its mandate strengthened in the legislation to include these powers:

- ° The CRTC will be able to exempt classes of broadcast services from holding licences.

- ° The 1988 Broadcasting Bill will clearly spell out the CRTC's authority to issue orders binding on licence-holders. The CRTC will be able to seek larger fines and issue cease-and-desist orders.
- ° The CRTC will be able to use court orders which will enforce a CRTC decision or order as a court order if it is filed with the Federal Court of Canada or a superior provincial court.
- ° The CRTC will be given mediation and arbitration powers with respect to rates for carriage of signals, such as pay-TV, on distribution services such as cable.
- ° The CRTC will be given the power to audit licence-holders under some circumstances.
- ° The CRTC will have the power to assess licence fees based in part on a broadcaster's revenues, but tied to performance in terms of providing specific kinds of Canadian programming.
- ° The CRTC will be responsible for the detailed working of the performance incentive, which can be used to set programming targets above and beyond the Canadian-content regulations.
- ° The CRTC will be asked to hold hearings on applying the performance incentives and to make recommendations on the best use of these incentives.

Policy Direction

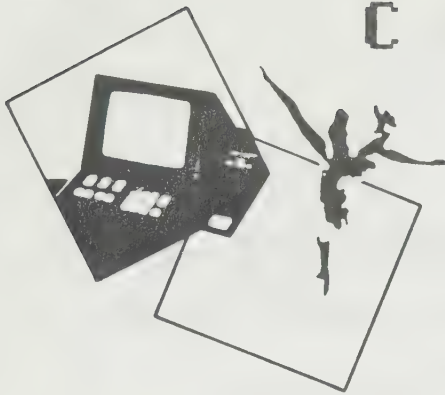
- ° The 1988 Broadcasting Bill will make the CRTC subject to the power of policy direction from Cabinet in furthering the policy of the Broadcasting Act.

- ° Policy direction to the CRTC from Cabinet will be tabled in the House of Commons, and referred to Committee. It must be accompanied by a policy rationale.
- ° The policy direction will not be used for an individual licence, or between a call for applications and the issuing of a licence, or retroactively.
- ° Cabinet review of CRTC licensing decisions will be maintained, but limited.
- ° Review will take place only if it is believed that a CRTC decision is contrary to the Broadcasting Policy objectives in Section 3 of the 1988 Broadcasting Bill.
- ° The power of Cabinet review will allow an appeal to Cabinet. The Cabinet will be able to refer a decision back to the CRTC or set aside a decision. Cabinet will not be able to change a decision.
- ° Sixty days will be allowed from the announcement of a decision for appeals to be made, and another 60 days will be allowed for Cabinet to consider appeals.
- ° The CRTC will be required to take into account the distinction between the English-language and French-language markets in regulating and supervising broadcasting.

Commissioners

- ° The number of full-time Commissioners will be increased to a maximum of 13.
- ° The number of part-time Commissioners will be reduced to a maximum of six.

- ° The term for full-time Commissioners is reduced to five years from seven, and for part-time Commissioners to three years, consistent with appointments to other government boards and commissions.
- ° The CRTC's head office will stay in the National Capital Region.
- ° Regional Commissioners, resident in a region, may be appointed.
- ° Maximum licence terms will be extended to seven years from five, to reduce the number of licence hearings.
- ° The CRTC will be able to delegate application hearing procedures to panels or committees of Commissioners.
- ° The minimum panel for a licensing hearing will be increased to three from two, of whom at least one must be a full-time Commissioner. Decisions will be given on the basis of "he who hears, decides."
- ° Part-time Commissioners appointed to panels will have the same voting power as full-time Commissioners.
- ° The CRTC will receive \$5.8 million over four years to help it bring in these changes.



C O M M U N I C A T I O N S

Alternative Programming

The Government will help fund the start-up and the operation of a national Alternative Programming Service within two years.

The exact costs of the service will be determined following consultations with the parties concerned.

A key role of the Alternative Programming Service will be reflecting Canada's multicultural nature.

The policy calls for the creation of a new Alternative Programming Service in English and increased financial support for the production of programming on existing French-language services such as TV5, Radio-Québec and Radio-Canada.

TV5 will begin nation-wide service in September 1988.

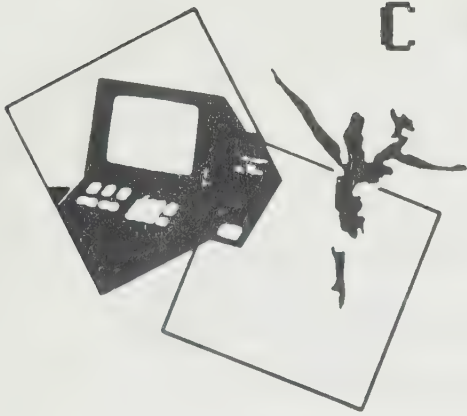
° The 1988 Broadcasting Bill says that:

- alternative television programming services in French and English will be provided;
- the Alternative Programming Service will be innovative and complement programming intended for mass audiences;
- it will cater to interests and tastes not adequately provided for;
- it will reflect Canada's regions and multicultural nature;



- it will, as far as possible, acquire its productions, rather than produce them, and make them available throughout Canada by the most cost-efficient means.
- ° The Alternative Programming Service's special multicultural vocation should not be confused with multilingual services, which already exist.
- ° The mandate of the Alternative Programming Service will be to provide all Canadians with a more realistic view of the multicultural realities in all parts of the country, through dramatic programming and through discussion of relevant social and other issues.
- ° The programming mix will also include:
 - major contributions from Canada's regions;
 - arts and entertainment programming;
 - Canadian documentaries;
 - a television window for Canada's emerging dramatists and producers;
 - the best of television from around the world;
 - National Film Board movies and documentaries;
 - classic television from the past;
 - French-language Canadian productions, subtitled in English;
 - original drama productions, reflecting Canada's multicultural mosaic and regional diversity.
- ° The Alternative Programming Service will be based outside Central Canada.
- ° The Government feels it would be appropriate for the Alternative Programming Service to be formed by a consortium, including provincial broadcasters, and possibly combining the private and public sectors.

- ° The Alternative Programming Service will need continuing financial support.
- ° The Government intends that this support be anchored on direct government assistance, and could include a cable charge, and the provision of government-financed programming, such as National Film Board productions.
- ° The Government will ask the CRTC to hold hearings to advise on economic and other questions.
- ° On the basis of the CRTC's findings, the Government will determine financial support and let the CRTC and potential licence applicants know what that support is.
- ° The CRTC can then invite licence applications.
- ° This process should be completed within two years.



French-language Broadcasting

For the first time in Canadian broadcasting, the differences between French-language and English-language broadcasting industries are recognized in policy and legislation.

Under the new broadcasting policy, the Government is acting to allocate some \$110 million to meeting the challenges facing the French-language industry.

French-language broadcasting is a more integrated industry, with production companies, broadcasters and cable companies often part of a single corporate structure.

Advertising revenues are proportionately higher in English-language markets than in French-language markets. French-language radio includes a number of private networks, unlike English-language markets, in which radio stations operate mainly as independents.

French-language television has a more developed "star system" than English-language television, as a result of the stronger sense of cultural community in French-speaking Canada.

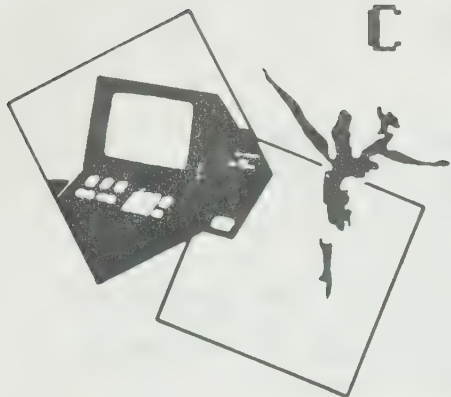
- ° The 1988 Broadcasting Bill declares that English- and French-language broadcasting, while sharing common aspects, operate under different conditions and have different requirements.

- ° The Canadian Radio-television and Telecommunications Commission (CRTC) will be required to take into account the differences between the English-language and French-language markets in regulating and supervising broadcasting.
- ° The CBC will be required to provide programming in English and French, reflecting the different needs and circumstances of each official-language community, including the particular needs of English and French linguistic minorities.
- ° Two new committees of the Board of Directors of the CBC will be formed: one on French-language broadcasting, and one on English-language broadcasting.
- ° Of the \$35 million a year (in constant 1989-90 dollars) in new money for the CBC, \$15 million will be used to help Radio-Canada increase the production budgets for French-language programs.
- ° Telefilm Canada's budget (\$109 million in 1988-1989*) will be increased by about \$18 million a year, in addition to the new funds for film development that were announced by the Government on May 5, 1988. The new money, totalling \$75.9 million** in the four years ending 1992-1993, will be applied to the Canadian Broadcast Program Development Fund (\$63 million in 1988-89) to support French-language and English-language television production.

* Source: Part III, Main Estimates, 1988-89.

** Figures are expressed in current dollars, with increases for inflation as approved by Cabinet.

- ° The additional funding will be split 50-50 between French and English, rather than the existing split of one-third French and two-thirds English.
- ° When the Alternative Programming Service starts, with new Government funding, the new Telefilm money will all be directed to French-language programming.
- ° The Government is also proposing that Telefilm Canada change its funding rules so it can give greater support to French-language programming:
 - higher levels of equity participation will be allowed, in the 40 per cent to 49 per cent range when required; and
 - additional financing, to raise the total assistance to a maximum of 70 per cent for higher-risk productions which meet specific policy objectives, will be allowed.
- ° The Broadcasting Policy commits more than \$2 million a year to TV5 from 1990-1991 on, when the current federal-provincial support agreement ends. The federal government is the major funding partner in the agreement, and has taken the lead in ensuring that TV5 will be available to cable systems and satellite-dish owners across Canada.



COMMUNICATIONS

Reflecting Canadian Society

Culture reflects a society's mores and values, and broadcasting is perhaps the most influential of all the instruments of cultural expression.

Much of the entertainment programming that English-speaking Canadians watch comes from the United States. That programming does little, if anything, to reflect Canadian values and perspectives.

The new Broadcasting Policy and the 1988 Broadcasting Bill say that the broadcasting system must be representative of the overall makeup of Canadian society.

The Policy and the Bill ensure, as a matter of policy and of law, that broadcasting is a mirror-sharp image of Canadian society.

Since the 1968 Broadcasting Bill was proclaimed, there has been greater awareness and concern about Canada's aboriginal peoples and their role in Canadian society.

Multiculturalism was not an official policy in 1968; it is now an official policy and an integral part of Canada.

The reality of Canada's two official languages is stronger now than in 1968.

Canadians are aware of and more sensitive to regional priorities.

Attitudes have changed since 1968.

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Communications
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Canada

The role of women, the perception of the role of women, and the expectations of women have changed drastically since 1968.

All Canadians have an increased awareness of the plight and the capability of the handicapped, and the handicapped expect to play a full role in Canadian society.

There is now a Charter of Rights and Freedoms, which sets out the expectations of Canadians for their society. With those expectations have come demands that the expectations be met.

Canada's broadcasting system must reflect, both in programming and in operations, the reality and the aspirations of Canadian society -- multiculturalism, the role of women, the special place of aboriginal peoples, the unity that comes from the differences in the regions, the concerns of the handicapped, the model of fairness and decency set out in the Charter of Rights and Freedoms.

Canadians want and need drama that will mirror the drama of our society itself.

They do not want stereotyping. They do want access to the airwaves; they do want to take part in the industry and its administration.

- ° The 1988 Broadcasting Bill confirms that the broadcasting system should be representative of the overall makeup of Canadian society.
- ° The Bill states that broadcasting should, through its operations and programming, reflect the circumstances and aspirations of Canadian men and women, including the linguistic duality and multicultural nature of Canadian society, and the special place of aboriginal peoples within that society.

- ° Stereotyping will diminish when women and minorities are represented at all levels in broadcasting.
- ° The Bill states that programming should provide a reasonable and balanced opportunity for the expression of differing views on matters of public concern.

Alternative Programming

- ° The Government will help fund the start-up and the operation of a national Alternative Programming Service within two years.
- ° A key role of the Alternative Programming Service will be to reflect Canada's multicultural nature.
- ° The mandate of the Alternative Programming Service will include the need to provide all Canadians with a more realistic view of the multicultural realities in all parts of the country, through dramatic programming and through discussion of relevant social and other issues.

Official Languages

- ° For the first time in Canadian broadcasting, the differences between French-language and English-language broadcasting industries are recognized in broadcasting policy and legislation.
- ° The 1988 Broadcasting Bill declares that English- and French-language broadcasting, while sharing common aspects, operate under different conditions and have different requirements.
- ° The Canadian Radio-television and Telecommunications Commission (CRTC) will be required to take into account the distinction between the English-language and French-language markets in regulating and supervising broadcasting.

- ° The CBC will be required to provide programming in English and French, reflecting the different needs and circumstances of each official-language community, including the particular needs of English and French linguistic minorities.
- ° Two new committees of the Board of Directors of the CBC will be formed: one on French-language broadcasting, and one on English-language broadcasting.
- ° \$15 million* a year will be used to help Radio-Canada increase its production budgets for French-language programs.
- ° Telefilm Canada's budget (\$109 million in 1988-1989**) will be increased by about \$18 million a year, in addition to its portion of the new film development funds which were announced by the Government on May 5, 1988.
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- ° The Government is also proposing that Telefilm Canada change its funding rules so it can give greater support to French-language programming.
- ° The additional funding will be split 50-50 between French and English, rather than the existing split of one-third French and two-thirds English.
- ° When the Alternative Programming Service starts with new Government funding, the new Telefilm money will all be directed to French-language programming.

* All figures are expressed in current dollars, with increases for inflation as approved by Cabinet.

** Source: Part III, Main Estimates, 1988/89.

Northern Native Broadcasting

Funding of \$10 million will be allocated over the next four years to cover the cost of an independent satellite-delivered programming distribution system, to improve access for aboriginal programming produced under the Northern Native Broadcast Access System (NNBAP) and some of the programming of the CBC's Northern Service and territorial and provincial government services, specifically designed for northern audiences.

There are now 13 independent native communication societies funded by the NNBAP to produce native-language programming in the two territories and the northern regions of the provinces.

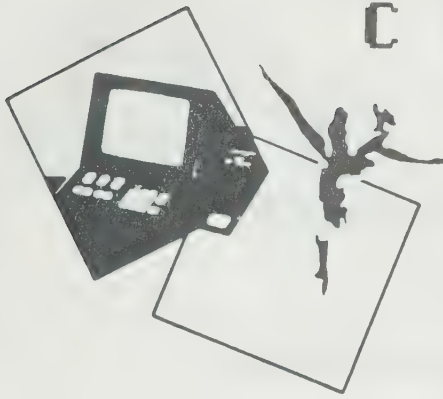
The CBC Northern Service produces radio programming in eight indigenous languages in the Northwest Territories and northern Quebec.

Each native communications society has to obtain time on the distribution system of northern broadcasters. Often, native broadcasters have to contend with poor time slots, pre-emptions and sudden schedule changes. Already, some broadcasters' production has exceeded available broadcast time.

Broadcasters often do not have the program time available for native programming. The CBC sees even less time available in the future with the Canadianization of its programming.

The solution is to distribute some of the CBC Northern Service programming and independent native programming, as well as territorial government programming, through an independent distribution system including a dedicated satellite transponder.

Such a proposal for TVNC -- Television Northern Canada -- was put forward in 1987 by a consortium of six northern broadcasters, the CBC Northern Service and the territorial governments.



COMMUNICATIONS

Cable and Distribution

The 1988 Broadcasting Bill will allow cable operations and other distributors to originate programming.

Distributors originating programming will be subject to safeguards preventing conflict of interest and setting terms and conditions of carriage. These are, notably, that:

- ° Distributors will be required to allow Canadian specialty services to have reasonable access to the distribution systems;
- ° The CRTC will have the power to mediate between distribution services and programming services; and
- ° The CRTC will also have the power to require distribution services to carry specified programming services on terms to be set by the CRTC.

Cable is the most common television distribution method.

But there are now:

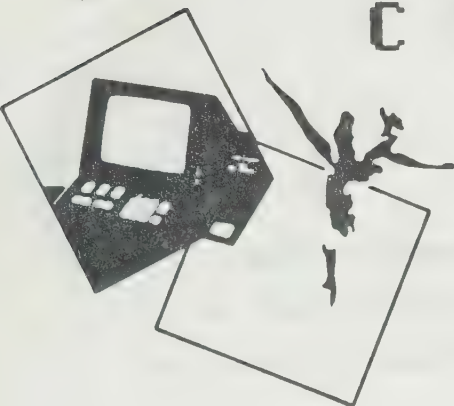
- Subscription Television (STV) systems distributing television signals over-the-air using low power transmitters;
- Satellite Master Antenna Television (SMATV) systems, which act as mini cable systems, serving multiple-unit buildings such as apartment buildings;



- Multi-channel, multi-point distribution systems (MMDS), using microwave transmission;
- Direct-to-Home (DTH) systems, which distribute television signals directly to homes by satellite.

Other systems are possible in the future. The 1988 Broadcasting Bill will treat all distribution technology the same, permitting distributors to use the technology of their choice.

- ° Distributors will be allowed to originate programming subject to CRTC approval and control.
- ° The mediation power and the power to set carriage terms should ensure that distribution services act in a fair and responsible fashion.
- ° Distributors will still be required to give Canadian programming priority.
- ° Distributors originating programming will be required to meet the objectives of the Broadcasting Policy.
- ° Contractual arrangements between telecommunications carriers and cable operations will be regulated in keeping with the Bill's objective of efficient and effective delivery of service at reasonable rates, using the most effective technologies.



Extension of Services

Broadcasting services will be extended to underserved areas; extended to Francophone communities; improved for native people, particularly in the North; and improved for the visually impaired.

- ° Communications Canada will administer a \$21.1-million* capital construction program over the next four years, which will share with private entrepreneurs the capital costs of making cable or other multi-channel distribution systems available to small, remote communities. About 250,000 Canadians will benefit from the extension of cable services.
- ° Many Francophones outside New Brunswick, Ontario and Quebec get little or no broadcasting service in French. Now, only CBC French-language service is available nationally. TV5, the new international French-language service, will be distributed nationally by satellite, starting in September 1988.
- ° \$10 million will be allocated over the next four years to cover the cost of an independent satellite-delivered programming distribution system to increase the availability of programming made through the Northern Native Broadcast Access Program (NNBA) and some of the programming of the CBC's Northern Service and territorial and provincial governments, specifically designed for Northern audiences.

* All figures are expressed in current dollars, with increases for inflation as approved by Cabinet.

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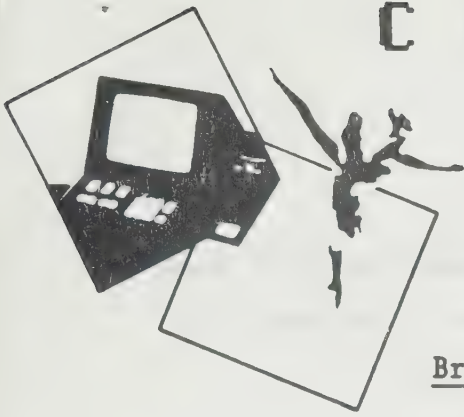


Communications
Canada

Canada

The 1988 Broadcasting Bill will not distinguish among technologies, but among activities; definitions are not by signal, but by what the signal carries.

- ° The 1988 Broadcasting Bill defines broadcasting as the transmission of programs to the public by radio waves or other means of telecommunication.
- ° The Bill defines "program" as sound or visual images, or combinations of sounds and visual images, intended to inform, enlighten or entertain.
- ° The definition specifically excludes visual images, with or without sounds, of printed text.
- ° The 1988 Broadcasting Bill will keep its legal foundation in the face of future technological development.
- ° The 1988 Broadcasting Bill will permit distribution systems to use the technology of their choice.
- ° It also enables the same technologies to serve both broadcasting and non-broadcasting uses.



Broadcasting for the Visually and Hearing Impaired

There are more than 400,000 Canadians who are blind or who suffer some other print handicap.

Some elderly also have difficulty with printed material.

For these Canadians, broadcasting is the only source of information about what is happening in the world around them.

But they are denied full access to broadcasting services. Also denied access are the more than two million hearing-impaired Canadians, who must rely on closed-captioning.

The Visually Impaired

Broadcast reading services allow the visually-impaired to choose a source of information in the same manner as a sighted person. By producing audio versions of a wide range of local, national and international newspapers and periodicals, such a service permits the visually-impaired identical access to journalistic print as available at any newsstand.

Despite the popularity of reading services in the United States, they have not been quick to develop in Canada despite Recommendation 52 of the Obstacles Report of the House of Commons Committee on the Disabled and Handicapped, which stressed the great advantages of a broadcast reading service.

In Quebec, there is a radio reading service, La Magnétothèque. It receives substantial support from the Province of Quebec and the cable industry in providing a French-language broadcast reading service.

La Magnétothèque is the only successful broadcast reading service in Canada. It provides a French-language broadcast reading service 24 hours a day, seven days a week.

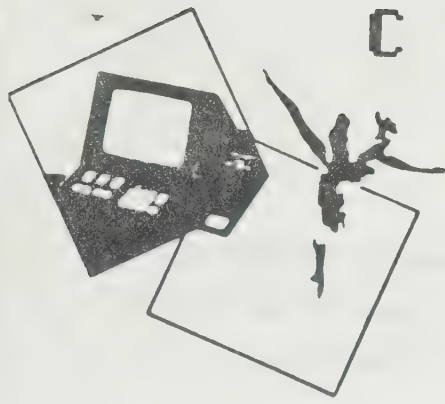
- For the visually impaired and print-handicapped, the Government of Canada will provide a start-up grant of \$120,000 this year and five yearly grants of \$100,000 each, starting this year, to establish a satellite-to-cable distribution service.
- The service will be a cross-Canada service, broadcasting in French and English. Such a system will allow for regional contributions to supplement the national service.
- The grant will be used to establish an English-language National Broadcast Reading Service for the Visually Impaired, to parallel La Magnétothèque and to make La Magnétothèque service available to Francophones outside Quebec.
- The National Broadcast Reading Service for the Visually Impaired will depend on volunteers and the generous provision of distribution facilities by cable and satellite operators.

The Hearing Impaired

- The profoundly deaf -- there are an estimated 200,000 profoundly deaf and two million hearing-impaired people in Canada -- are also denied full access to broadcasting services.
- Only 10 per cent of television programming is closed-captioned now.
- Constant progress is being made in providing closed-captioned programs.
- The National Film Board recently made a commitment to close-caption all NFB productions, both in English and in French, in video format before their release for distribution.

- Telefilm Canada administers a program that provides financial assistance to have productions subtitled. The program's annual budget is \$500,000.
- It is likely that the goal of 50 per cent of all programs being closed-captioned can be reached. That goal was set by both the Caplan-Sauvageau Task Force on Broadcasting Policy and the Standing Committee on Communications and Culture.
- If progress in reaching that goal is not satisfactory, the Government will ask the CRTC to increase its regulatory demands on broadcasters to provide closed captioning.

C O M M U N I C A T I O N S



Civil Right of Action

The Government wishes to make it easier for Canadians, especially those in rural or remote areas, to have access to satellite programming services.

The Government also wishes to play a less-intrusive role in the marketplace.

Under the existing Broadcasting Act and Radio Act, the Government has sometimes been required to lay charges in disputes involving unlicensed use of broadcasting equipment or earth stations.

As a result, the full weight of the Crown has been invoked for relatively minor infractions. RCMP officers, radio inspectors, lawyers for the Department of Communications and the CRTC, and Crown prosecutors from the Department of Justice have been involved. Federal Ministers have been required to sign the prosecution orders.

Under the new policy and legislation, most disputes would be resolved as a civil matter. The Crown would become involved only in serious cases of theft or piracy.

The 1988 Broadcasting Bill permits originators of broadcast signals, and their authorized agents such as cable operators, to take action in the courts against commercial pirates stealing their scrambled signals.



Allowing "civil right of action" will put legal action against commercial pirates in the hands of the rights-holders, which will help to protect satellite services and authorized carriers while reducing prosecutions by the Government.

Satellite services such as First Choice/Super Channel, Super Écran and CANCOM, and authorized distributors of their signals, such as cable companies, sell television programs.

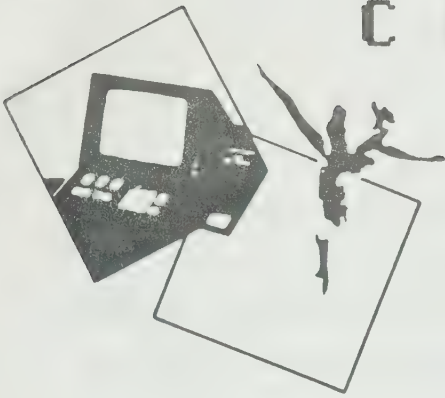
They are being hurt financially by individuals and commercial pirates who steal or re-distribute their scrambled signals without authorization.

Both the Standing Committee on Communications and Culture and the CRTC Task Force on Extension of Broadcasting Services to Underserved Communities recommended similar legislation:

- ° it will be an offence to decode or knowingly retransmit scrambled programming signals without the authorization of the originator of the signal or the originator's authorized agent.
- ° it will be an offence to deal in equipment used to illegally decode programming signals.
- ° to take action against an alleged thief, the holder of the rights to the signal must scramble the signal and market it in the area where the theft takes place.
- ° action may be taken against an individual who decodes a signal, even if the decoding is for personal use.

- ° the originators of the signal and authorized distributors will have "civil right of action," which will allow an alleged thief to be sued in civil court, which can set monetary damages.
- ° there is no ceiling on damages against commercial pirates, who steal signals for redistribution.
- ° the Government will keep its right to prosecute for theft of signals.

C O M M U N I C A T I O N S



Building for the Future

The broadcasting policy and legislation are part of a comprehensive review and updating of legislation to carry Canada's communications and cultural industries into the 21st Century. The broadcasting legislation is closely linked to the laws governing copyright, film distribution, telecommunications services, and radio communications.

The Government is committed to legislative and policy reform in these areas to protect the rights of consumers and creators, to improve the efficiency and effectiveness of industries governed by these laws, and to give Canadians more choice.

The Government puts particular priority on these measures to strengthen the vehicles of cultural expression that will be so important in enriching the national identity in an increasingly complex global environment. It was to preserve the right to act in these areas that the Government insisted that Canada's cultural industries be exempt from the Canada/U.S. Free Trade Agreement.

Copyright

Bill C-60, the first phase of the Government's revisions to the Copyright Act, marked the first updating in more than 60 years of the basic ground rules governing the relationship between creators and users of copyright materials.

The Government has introduced an amendment to the Copyright Act that calls for cable operators to pay copyright fees to broadcasters for the right to retransmit distant program signals.

The second phase of new copyright legislation, to be introduced in the Fall of 1988, will deal with distribution of copyright revenues among creators, performers, broadcasters, cable operators and other distributors.



Film

The new film policy and legislation create a separate and distinct Canadian market for film distribution that will strengthen the film production industry.

The \$200 million provided to producers and distributors over the next five years will lead to more commercially-oriented movies for pay-television and mass-appeal broadcasters, as well as more films dealing with regional and cultural themes that will find a place on the new Alternative Programming Service, TV5, the specialty channels and the provincial broadcasting services.

Telecommunications Bill

Broadcasters, specialty-service operators, pay-television companies, and many cable operators rely heavily upon telecommunications carriers for distribution of their services. At the same time, some broadcasters offer their networks and facilities to third parties for telecommunications.

This converging of broadcasting and telecommunications technologies and the blurring of the divisions between carriage and content have had a significant influence on the Government's approach to legislation in this area.

The 1968 Broadcasting Act was based on notions dating from the days of Marconi. Telecommunications law, even dealing with satellite signals, has been governed by concepts rooted in the Railway Act.

The 1988 Broadcasting Bill is technology neutral and its definitions are based on programming rather than the means of transmission. To complement this, the Government will introduce shortly the country's first-ever Telecommunications Bill.

Revisions to the Radio Act

Effective management of the radio spectrum is essential to Canadian broadcasters. They count on the Government to prevent unwanted overlaps and interference.

The number of spectrum users is increasing exponentially as new services such as cellular telephones, privately-operated satellite communications systems and remote-control equipment are introduced.

Meanwhile, there is a rapidly expanding range of equipment based on electronic components that may malfunction because of radio interference.

Broadcasters face growing public concern about the aesthetic and environmental impact of transmission towers and the effects of interference on home appliances and sensitive equipment.

In response to these trends, the Government will introduce a new bill to permit more effective solutions to radio-frequency interference and more efficient regulation of spectrum users. The new legislation will also give the Government new powers to deal with environmental and safety issues relating to radio towers.

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PRINT SHEET

TELETYPE
INFORMATIONNew process for importation of film products

The Film Products Importation Bill establishes a new process to govern the importation of film products into Canada for commercial distribution. Its purpose is to ensure a separate distribution market in Canada for film and video products. It will not apply to film products imported for personal, non-commercial use.

Regulations under the proposed Act are to define a wide range of exemptions. They will include most television programming; non-commercial distribution; industrial films; films for institutional and educational use; and ethnic language films.

The Bill, backed by fines up to \$200,000 per day, provides for simple procedures designed to expedite requests to import film products that meet the purpose of the legislation. A Film Products Importation Office will be set up to administer the new legislation on behalf of the responsible minister.

An affidavit to import a film product, which may be filed as little as a month before scheduled distribution, will be processed by the Film Products Importation Office. The affidavit, to be filed by a person who has a business establishment in Canada, can be either for:

- non-proprietary importation, which means the importer has acquired the Canadian distribution rights in a manner which has clearly separated the Canadian rights from all other distribution rights; or
- proprietary importation, which means that the importer has acquired the world distribution rights, or has at least a 50% investment in the film.

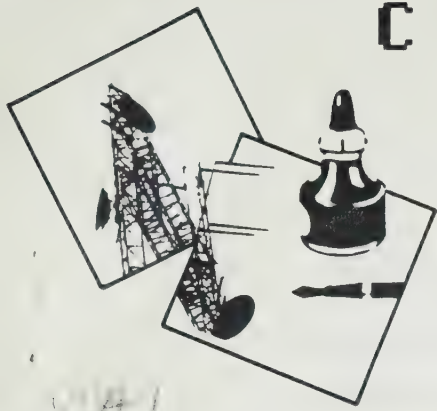
All affidavits that have been filed to import film products will be on public record at the Film Products Importation Office. Anyone will be able to examine the records of affidavits and decisions.

This open process ensures that film distributors may monitor industry activities; that anyone may ascertain that the process is fair and open; and that commercial theatre operators, wholesalers and retailers may confirm that a film or video is authorized for import.

Documentation will be recorded electronically by computer, so that a Canada Customs officer may easily confirm the status of a film import.

If the Office denies the right to import a film, it will inform the importer within 20 working days. The importer may appeal any denial. A three-member review board, drawn from a panel of 15 people knowledgeable of the industry, will review the case. The review board will report its decision within 15 working days. The board's decisions will be final.

Violations defined in the Bill include illegal importation, distribution and exhibition of film products. Penalties for violations of provisions in the Bill include fines of up to \$200,000 per day; penalties for violation of a subsequent court order include fines of up to \$25,000 a day. Violators could also be denied future importation of film products.



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**Background on Consultation Draft of Proposed
Archaeological Heritage Protection Act**



1. **Background to this Consultation Draft**

Since 1985, Communications Minister Marcel Masse has been actively pursuing the development of legislation to provide for the protection of Canadian archaeological heritage resources. After extensive consultations which culminated in his announcement of the Government's Archaeological Heritage Policy Framework on May 10, 1990, in Whitehorse, the Minister directed that the drafting of legislation proceed.

The tabling of this piece of proposed legislation allows the Minister to ensure that the final Bill reflects the views of all those expressed by aboriginal people; the archaeological and heritage community; those with interests in underwater archaeology and archaeological wreck; museum workers; territorial governments, as well as those of the departments and Crown corporations which manage Canada lands.

2. **Proposed Archaeological Heritage Protection Act**

Protection of archaeological heritage resources is the most important objective of the proposed legislation which introduces measures to prevent these nonrenewable resources from being destroyed or illegally exported. This draft also provides for the creation of a list of all protected archaeological resources and type of resources.

The proposed legislation would apply to all Canada lands, i.e., land owned by the Government of Canada, Indian lands and lands in both the Yukon Territory and the Northwest Territories, and identifies who would be responsible for the protection of archaeological resources.

In respect to burials which are discovered, the Bill would require immediate protection of all such sites and allows for regulations to be developed, thereby ensuring that all human remains are treated with dignity and respect. There is also a special clause to identify a representative of the deceased to participate in developing a burial disposition agreement.

Archaeological wreck would be defined and important examples could be protected as soon as five years after their loss or abandonment. The draft Bill would include the necessary consequential amendments to the Canada Shipping Act to allow this to happen.

The scope of Crown ownership of archaeological artifacts and scientific specimens would be clearly defined and there would be a provision for Crown ownership of archaeological wreck after it has been lost or abandoned for fifty years. Agreements could be entered into by the Minister for the transfer of ownership of any archaeological resource as well as any other matter pertaining to archaeology.

A permit and endorsement scheme, to ensure that archaeological projects on lands included in the Act would have technical and scientific merit, would be supported by the necessary regulations, guidelines and procedures. Land managers would play a significant role in issuing permits and ensuring that they are complied with.

This draft of the Bill also recognizes the need for impact assessments where there would be the potential to affect archaeological resources covered by the Act.

Additional clauses would provide for archaeological discoveries to be reported, measures to protect archaeological resources in an emergency, and registers of wrecks and sites, including the ability to withhold site location information where special protection is needed. As well, it would become illegal to acquire artifacts which have been looted from sites or transport artifacts out of a province in contravention of provincial laws.

The Minister would have the power to designate a qualified person as an inspector to ensure that there is compliance with both the Archaeological Heritage Protection Act and its regulations.

Consequential amendments to the Cultural Property Export and Import Act would be made to further restrict the permanent export of archaeological items from Canada. Other proposed consequential amendments outlined in Sections 27-35 of the draft Bill.

L'avant-projet reconnaît également la nécessité d'évaluer les incidences environnementales dans l'éventualité où des ressources archéologiques visées par la Loi sur la protection du patrimoine archéologique seraient touchées.

Des dispositions additionnelles rendraient obligatoire la déclaration des découvertes archéologiques, des mesures destinées à protéger les ressources archéologiques en cas d'urgence, des registres d'épaves à tenir et des sites archéologiques (avec la possibilité de ne pas divulguer de renseignements sur l'emplacement de sites à protéger). En outre, il deviendrait illégal d'acquiescer des artefacts pillés sur les sites archéologiques ou de sortir des artefacts hors d'une province au mépris des lois de cette province.

Le Ministre aurait le pouvoir de désigner un inspecteur de son choix qui veillerait au respect de la Loi sur la protection du patrimoine archéologique et des règlements connexes.

Des amendements corrélatifs seraient apportés à la Loi sur l'exportation et l'importation de biens culturels pour limiter davantage l'exportation permanente d'objets archéologiques. D'autres amendements corrélatifs se trouvent dans les articles 27 à 35 de l'avant-projet de loi.

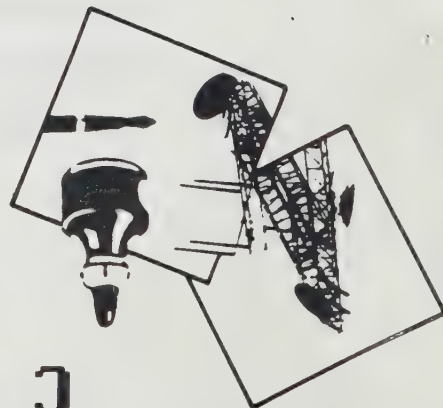
La loi s'appliquerait à toutes les terres domaniales, c'est-à-dire aux terres de la Couronne, aux terres indiennes et aux terres du Yukon et des Territoires du Nord-Ouest. Elle déterminerait, en outre, les responsables de la protection des ressources archéologiques.

Le projet de loi exigerait la protection de toute sépulture des sa découverte et une réglementation qui assure l'exhumation dans la dignité et le respect. Le projet comporte également une disposition sur la désignation d'un représentant de la personne décédée afin de conclure une entente sur son exhumation.

La loi définirait les épaves archéologiques et protégerait les spécimens importants dans le cas où leur perte ou abandon remonterait à plus de cinq ans. L'avant-projet de loi comprendrait des amendements corrélatifs à la Loi sur la marine marchande du Canada.

La portée du droit de propriété de l'Etat sur les artefacts archéologiques et spécimens scientifiques serait clairement délimitée; en vertu d'une disposition de la loi, les épaves perdues ou abandonnées depuis au moins cinquante ans deviendraient propriété de l'Etat. Le Ministre pourrait conclure des ententes sur le transfert du droit de propriété de n'importe quelle ressource archéologique ou sur toute autre question qui touche à l'archéologie.

Des règlements, des lignes directrices et des procédures renforceraient le processus de consultation et d'approbation pour garantir la valeur technique et scientifique des projets archéologiques réalisés sur les terres mentionnées dans la Loi sur la protection du patrimoine archéologique. Les gestionnaires des terres délivreraient les permis et s'assureraient du respect des conditions d'émission.



Génèse de l'avant-projet de loi sur la protection
du patrimoine archéologique pour consultation

1. Génèse de cet avant-projet pour consultation

Depuis 1985, le ministre des Communications, M. Marcel Masse, travaille à la conception d'un projet de loi qui protégerait les ressources du patrimoine archéologique canadien. Après de longues consultations à la suite desquelles il a annoncé à Whitehorse, le 10 mai dernier, la politique générale du gouvernement en matière de patrimoine archéologique, le Ministre a ordonné qu'on poursuive la rédaction du projet de loi.

Le dépôt de cet avant-projet permet au Ministre de s'assurer que le projet final tiendra compte des vues exprimées par les autochtones, le milieu de l'archéologie et du patrimoine, les intéressés à l'archéologie sous-marine et aux épaves archéologiques, les travailleurs des musées, les administrations territoriales et les gestionnaires des ministères et des sociétés d'Etat qui s'occupent des terres domaniales.

2. Avant-projet de loi sur la protection du patrimoine archéologique

La protection des ressources du patrimoine archéologique est le principal objectif de la loi qui instaure des mesures destinées à empêcher la destruction ou l'exportation illégale de ces ressources non renouvelables. Le libellé prévoit aussi l'établissement d'une liste de toutes les ressources et catégories de ressources archéologiques protégées.



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F A C T S H E E T

F E U I L L E T
D' I N F O R M A T I O NFair business practices and the film distribution industry

The Film Products Importation Bill includes measures to deal with film importers who have integrated interests in the motion picture exhibition business. These companies, which control a large number of theatre screens in Canada, could have the ability to unfairly limit or deny the ability of other distributors to acquire the rights to films or exhibit them.

Under the legislation, importation of film products by such integrated companies can be denied if their activities are deemed to be unfair business practices in the Canadian distribution market.

The Bill also provides for the establishment of an Advisory Committee to the Minister of Communications to advise and report on the compliance of the industry with regard to those provisions.

The Minister of Consumer and Corporate Affairs and the Minister of Communications have agreed that the Director of Investigation and Research of the Bureau of Competition Policy shall chair this committee. The Director of Investigation and Research has considerable expertise in assessing the competitive process and corporate conduct throughout the Canadian economy. The Director's role on this advisory committee does not in any way restrict the application of the Competition Act, nor does it limit the responsibilities of the director under that act.

These measures are intended to ensure that both imported and Canadian films have fair access to theatre screens in Canada and that rights to a separate Canadian market are acquired on a fair and competitive basis.

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